

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 12-158**—sHB 5037  
*Public Health Committee*

**AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET  
RECOMMENDATIONS CONCERNING PUBLIC HEALTH**

**SUMMARY:** This act repeals a statutory provision requiring the state to be charged for the cost of caring for an individual committed to a state institution after being found not guilty of a crime by reason of a mental illness (“acquittee”). This provision conflicted with another law that requires current or former residents of state humane institutions to repay the state the cost of their care. (In practice, the state has not been recovering acquittees’ care costs.)

The law defines a “state humane institution” as a state mental hospital, community mental health center, treatment facility for children and adolescents, or any other program or facility administered by the departments of mental health and addiction services, developmental services, or children and families. Because acquittees are committed to these facilities, the state is able to recover their care costs under this law.

The act also makes a technical conforming change.

**EFFECTIVE DATE:** Upon passage

**BACKGROUND**

*Recoveries of State Humane Institution Care Costs*

By law, if a resident of a state humane institution is unable to pay, the state can recover all or part of the cost from most legally liable relatives (e.g., spouse or minor’s parent), based on their ability to pay. The state comptroller sets the maximum amount the state can collect. The state must notify residents or their legally liable relatives of their liability to reimburse the state for these costs prior to admission, or if the immediate need or admission precludes notification, as early as possible thereafter.

The state generally recovers any unpaid costs from either (1) the individual’s estate after he or she dies or (2) windfalls, such as inheritances or lawsuit proceeds. If the individual owns a home, the state may place a lien on it to make a recovery.

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